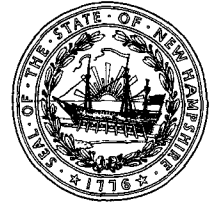




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

September 26, 2005

**LETTER OF DEFICIENCY #WSEB 05-162**  
Certified Mail #7099 3400 0003 0690 9427

Jay Cooke  
41 S Main Street  
Derry NH 03038

**COPY**

Subject: Raymond - Public Water System: Branch River Apartments (EPA #1972040)

Dear Mr. Cooke:

The records of the NH Department of Environmental Services (DES) show that Branch River Apartments is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit samples according to the system's established Master Sampling Schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rules Env-Ws 327.

The current enforceable maximum contaminant level (MCL) for Methyl-Tert-Butyl-Ether (MtBE) is 0.013 mg/L. For systems on quarterly monitoring, compliance with the MtBE MCL is determined by calculating the system's running annual average (RAA), which is the average of all MtBE samples collected in the past 12 months. The RAA of all the samples submitted by Branch River Apartments water system within this time period, calculates to be 0.018 mg/L. As such, the system has exceeded the MtBE MCL for third quarter, 2005. DES acknowledges receipt of public notice for this violation on September 23, 2005.

DES believes the MCL violation(s) can be corrected and future violations prevented by taking the following actions:

1. Continue providing public notice **each calendar quarter** for as long as the violation occurs; and
2. Upon consumer request, you shall make alternate (*i.e.* bottled) water available for human consumption. If bottled water is used, the source must be an approved source, monitored in accordance with Env-Ws 389; and
3. **By October 26, 2005**, retain the services of a qualified consultant to address the water quality violation(s) and notify DES, in writing, of the name of the consultant hired. The consultant should review all existing water quality data and all feasible options prior to making recommendations to the owner for correcting the MCL violation(s). Guidance on

options to correct the MCL violation and the recommended contents of a consultant's report are enclosed; and

4. **By December 27, 2005**, submit to DES the consultant's report, which shall contain the consultant's evaluation of feasible options, cost estimates, identification and justification of which option the owner has selected to implement, along with a timeline and final correction date to resolve the MCL violation(s). A maintenance schedule must be included if treatment is proposed. DES will approve the consultant's report, in writing, and specify the next submission deadline. A consultant's report determined to lack comprehensiveness will not be approved; and
5. **By the submission date established by DES** in the above-mentioned approval letter, submit to DES all engineering/technical documents for the design of the selected option. DES must review and approve, in writing, any engineering/technical documents prior to the commencement of any work on the system. Note that engineering plans for systems serving more than 50 service connections or 20,000 gpd must be stamped by a professional engineer; and
6. **By the DES-approved correction date**, take the corrective action as approved by DES. Notify DES in writing upon completion of the action(s) taken; and
7. Continue to sample in accordance with your Master Sampling Schedule (copy enclosed), which includes quarterly sampling for MtBE.

In the event compliance is not achieved within this period, DES may initiate formal action against you, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.


**All information as requested above should be addressed as follows  
or faxed to (603) 271-5171:**

Allyson Gourley  
Department of Environmental Services  
Water Supply Engineering Bureau  
29 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

For your information, fact sheets on MtBE are available at: <http://www.des.state.nh.us/ws.htm>. These include general information, health effects and removal options. Also enclosed is a summary of the expected content of consultant report submittals for your review. Please be reminded that proposed treatment alternatives should take into consideration all water quality parameters as well as current and future quantity needs.

In addition to your operator, assistance may be available to you through DES staff member Jim Gill, P.E. He may be reached at (603) 271-2949 or via email at [jgill@des.state.nh.us](mailto:jgill@des.state.nh.us). Also, financial, managerial and technical assistance is available through either of two government funded technical assistance providers. These are NH Rural Water Association (1-800-556-3792) and RCAP Solutions, Inc. (1-800-488-1969). Health related questions may be directed to Dave Gordon of the DES Bureau of Environmental and Occupational Health whose number is (603) 271-4608. If you have any questions regarding this letter, please contact Selina J. Makofsky, P.G., at (603) 271-4109 or by email at [smakofsky@des.state.nh.us](mailto:smakofsky@des.state.nh.us).

Sincerely,

  
**COPY**  
for Sarah Pillsbury, P.G., Administrator  
Water Supply Engineering Bureau

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Encl    Master Sampling Schedule  
         Public Notice Form  
         Report submittal information sheet

cc w/ encl(s): Brian Payson, Primary Operator

cc:        Gretchen R. Hamel, DES Legal Unit Administrator  
         Richard Mailhot Sr, Town of Raymond Health Officer  
         EPA, Region 1  
         File

ec:        Jim Gill, P.E., DES  
         Dave Gordon, DES BEOH  
         Dave Reid, P.G., DES  
         John Lukin, NHRWA  
         Robert Morancy, RCAP Solutions, Inc.